

**CITY OF NEWPORT BEACH PLANNING COMMISSION MINUTES**  
**Council Chambers – 100 Civic Center Drive**  
**Thursday, September 19, 2013**  
**REGULAR MEETING**  
**6:30 p.m.**

**I. CALL TO ORDER** - The meeting was called to order at 6:30 p.m.

**II. PLEDGE OF ALLEGIANCE** – Vice Chair Tucker

**III. ROLL CALL**

PRESENT: Brown, Kramer, Lawler, and Tucker

ABSENT: Hillgren (Excused), Ameri (arrived at 6:32 p.m.), and  
Myers (arrived at 6:31 p.m.)

Staff Present: Brenda Wisneski, Deputy Community Development Director; Leonie Mulvihill, Assistant City Attorney; Marlene Burns, Administrative Assistant; Gregg Ramirez, Senior Planner; Jim Campbell, Principal Planner; and Melinda Whelan, Assistant Planner

**IV. PUBLIC COMMENTS**

Vice Chair Tucker invited those interested in addressing the Planning Commission to do so at this time. There being no response, Vice Chair Tucker closed the Public Comments portion of the meeting.

**V. REQUEST FOR CONTINUANCES** - None

**VI. CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF SEPTEMBER 5, 2013**

**Recommended Action: Approve and file**

Vice Chair Tucker noted written changes to the minutes as submitted by him and a member of the public, Mr. Jim Mosher.

Commissioners Myers and Ameri arrived at this juncture.

Secretary Kramer proposed additional changes to pages 10 and 11 of the minutes and read the changes into the record.

**Motion** made by Vice Chair Tucker and seconded by Commissioner Lawler and carried (6 – 0), to approve the Minutes of the Planning Commission meeting of September 5, 2013, as corrected, and file.

AYES: Ameri, Brown, Kramer, Lawler, Myers and Tucker

NOES: None

ABSENT: Hillgren

**VII. PUBLIC HEARING ITEMS**

**ITEM NO. 2 216 CRYSTAL VARIANCE (PA2013-118)**

**Site Location:** 216 Crystal Avenue

Vice Chair Tucker reported that he owns property within five-hundred feet of the subject property, recused himself from hearing the matter and departed the Chambers.

Secretary Kramer called for a report from staff.

Assistant Planner Melinda Whelan provided a PowerPoint presentation addressing location, description of the project, variance request to exceed the floor area and encroachment into the side setback, existing parking and conditions, setbacks, comparison to typical lot in the block, floor/area ratio, access and circulation, findings and recommendations.

Commissioner Ameri wondered if the additional square footage requested is typical within the area and Ms. Whelan reported that the project is a typical addition in the area and that variances have allowed for larger additions or complete teardowns for greater FARs.

Secretary Kramer opened the public hearing.

Art Kent of Kent Architects, offered to respond to questions from the Commission.

Jim Mosher pointed out the hardship that the lot suffers because of the unusual configuration of the lot and addressed the rear setback. He added that the front yard is unusually large but that the back yard is smaller than normal.

Secretary Kramer closed the public hearing.

Secretary Kramer commented on previous approvals of similar variances and agreed with staff's findings.

Commissioner Myers addressed typical lot setbacks in the neighborhood noting that they are three feet, not four feet and that the lot suffers deficiencies given its unusual configuration.

Ms. Whelan confirmed that typical side setbacks in the neighborhood are three feet.

Commissioner Brown stated support for the project and added that it appears the façade of the building will be greatly improved.

**Motion** made by Secretary Kramer, seconded by Commissioner Myers and carried (5 – 1), to adopt a resolution approving Variance No. VA2013-005.

AYES:	Ameri, Brown, Kramer, Lawler, and Myers
NOES:	None
RECUSED:	Tucker
ABSENT:	Hillgren

Vice Chair Tucker returned to the Chambers and took his place on the dais.

#### **VIII. STUDY SESSION**

##### **ITEM NO. 3 WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE (PA2012-057)** **Site Location:** City-wide

Principal Planner Campbell provided a PowerPoint presentation addressing changes in the industry and laws and the need to change the ordinance accordingly. Additionally, he noted the intent to simplify the process and balance the needs of the community by providing for increasing demands for wireless networks while mitigating their visual impacts. He presented background and previous hearings by the Planning Commission. He pointed out that draft ordinance in the staff report is the same that was issued in July of 2013, and reported that the document is a work in progress. He provided an overview of the changes including the definition of new five (5) antenna classes, the review authority, the use of an administrative process for Class 1, and review of Class 2 facilities by the Planning Commission, the existing ordinance, next steps, and the need for additional revisions to the ordinance.

Vice Chair Tucker commented on the process at this time including receiving comments from telecommunications representatives. He indicated his intent to discuss each section and that he had provided his comments that were distributed this evening.

Vice Chair Tucker invited those interested in addressing the Commission to do so at this time.

Paul O'Boyle, Crown Castle, commented on key issues including the prohibition in residential zones.

Jim Mosher commented on the complex process of drafting laws and expressed concern that a lot of input has been received from the industry, but very little from residents. He reported that the current ordinance was produced by a Media and Communications Committee and felt that the Planning Commission would be well-served in appointing a subcommittee or taskforce to review the ordinance, in depth, with more resident input. He stated that the existing ordinance protects private views, addressed case law in terms of control of telecommunications facilities and noted that the proposed ordinance is silent relative to whether a facility is necessary or not. Additionally, it is silent regarding what the applicant is supposed to submit as well as public notice versus zoning clearance and opportunities to appeal.

Discussion followed regarding the typical number of applications received yearly, protecting private views, capacity and infrastructure, the concept of demonstrating that a proposed facility would be "necessary to fill coverage," and replacing old equipment.

Assistant City Attorney Leonie Mulvihill commented on the term, "necessary to fill coverage" noting that the City exercises its police power to impose applicable local regulations and that in adopting the Telecommunications Act, the Federal Government states that while it recognizes the power of the City to regulate local zoning and design in development, it would be unlawful for a city to exercise that power where it would preclude the provision for communication. She reported that there is quite a market for going above-and-beyond what is necessary with new requirements in telecommunications such as storage and data.

Discussion followed regarding the level of notice for zoning clearance, which is proposed for facilities that are not visible, and Mr. Campbell reported there are no noticing requirements for zoning clearance. He added that facilities requiring a use permit would be subject to public notice and a public hearing.

Mr. Campbell stated that he not familiar with a provision in the current ordinance regarding protection of private views.

Ms. Mulvihill noted that the City, generally, does not protect private views and that there are parts of the Zoning Code that address scenic and coastal view, but those are not private views. In the current ordinance there is language indicating a desire to have a facility blend in and be architecturally integrated, which is carried onto the proposed ordinance.

Dean Brown, representing the California Wireless Association, introduced himself and other industry representatives, present.

Regarding the section providing the overall purpose of the ordinance, Mr. Campbell addressed the term "modification" suggested in Vice Chair Tucker's comments but indicated acceptance to the proposed language in this section.

Ethan Rogers, representing Mobilitie and Paul O'Boyle, representing Crown Castle were available for comments and suggestions.

Mr. Brown felt that the initial statement in the ordinance should acknowledge the important role of the whole wireless infrastructure, mobile communications, internet and the role they play in the City's economy, job creation, productivity and public safety. It should also acknowledge that wireless infrastructure is a utility as defined by the California Constitution and should be permitted under similar circumstances as other utility infrastructure improvements.

Vice Chair Tucker felt that the information is not needed in the ordinance and indicated wanting to focus on the regulatory aspect of the ordinance.

Regarding Subsection C within the purpose, Mr. Rogers reported that sometimes, most efficient and less obtrusive technology can be two different pieces of technology and stated that it is difficult to apply that standard.

Mr. Campbell noted the intent to screen the facilities and make them as least obtrusive as possible to minimize visual impact.

Vice Chair Tucker suggested adding, "shall utilize to the maximum extent practical, the most efficient and less obtrusive technology."

Mr. Campbell noted that the purpose and Subsection C is very similar to the ordinance currently in effect.

Secretary Kramer objected to a line-by-line review of the ordinance at this time and suggested creating a working committee, including industry representatives to develop a final draft that could be presented to the Commission, subsequently.

Vice Chair Tucker stated that he would like to proceed in order to get through the matter rather than have it return to the Commission. He felt that it would be beneficial to define the issues and give guidance at this time.

Commissioner Ameri stated agreement with Secretary Kramer in that by the Commission reviewing the matter line-by-line, it is doing the work of staff. He suggested allowing input from industry representatives, allowing staff to review their comments and make appropriate changes to the document and return to the Commission with specifics. He indicated that the Commission's job is not to rewrite the regulations, but to review them and make a judgment regarding the overall ordinance. He felt that the subject matter should be limited to those things important to the Commission and the public.

Vice Chair Tucker stated that is exactly what has already happened.

Regarding Section 20.49.020, Mr. Campbell referenced Subsection B where Vice Chair Tucker suggests inserting "or modification" the first line and noted there are facilities that may have a minor change in the facility and require a simple permit. He suggested deleting that portion of the ordinance and commented about the ability for authorizing minor changes as long as they are in substantial conformance. If the changes do not conform, there are processes to modify the permit and bring it before the Commission.

Regarding Section 20.49.020, Paragraph C, relative to exempt facilities, Mr. O'Boyle stated it refers to satellite dishes and ham radios and felt that exemptions should also be made for DAS technology.

Mr. Campbell reported that the draft is not intended to exempt but rather to regulate DAS facilities.

Vice Chair Tucker stated no changes to "all applicable City design guidelines and standards" noting the need to comply.

Regarding Section 20.49.020, Paragraph F, Vice Chair Tucker stated it has to do with language clarity in terms of when the ordinance is applicable. Mr. Campbell stated he will include the effective date of the ordinance.

Vice Chair Tucker addressed definitions and directed staff to clean them up as best as possible and to attempt to incorporate industry comments. He commented on Paragraph L and that defines an operator of a telecom facility noting that it needs to be clarified and that there are owners and tenant carriers.

Mr. Dean Brown noted there can be multiple users on the same facility. In regards to the definition for "base station," Mr. Brown stated that it differs from the FCC's definition which includes the definition in Paragraph O, Support Equipment. He added that the FCC's definition includes support equipment in a base station.

Ms. Mulvihill stated that the issue was raised previously and that it is not in conflict with the FCC and that staff has chosen to keep it as two definitions.

Mr. Brown commended staff on the new classification system and reported that it meets the new, recently passed Federal law.

Mr. O'Boyle referenced the definition of antenna array (B), which includes the vertical mass of the whole tower and that usually, when referencing the antenna array, it includes the antenna and the supporting equipment.

Mr. Campbell observed that the ordinance has never distinguished between the antenna support equipment versus the antenna support. He added that care must be taken to not include a building in that definition but rather the "antenna support structure." He stated that staff will review the definition and clean it up as well as the definition related to the telecommunications operator.

Regarding Section 20.49.050, Location Preferences, Mr. Brown stated the desire to serve all portions of the community, including residential areas.

Vice Chair Tucker referenced prohibited locations. Mr. Campbell noted an error in the document where the intent is to prohibit facilities on traffic control standards, not street lights. They would be allowed on street lights.

Additionally, Vice Chair Tucker wondered about prohibiting facilities in single-unit or multi-unit developments or open space.

Mr. Campbell observed that this is a re-drafting of the existing policy of prohibited locations.

Vice Chair Tucker wondered regarding applicability in all situations.

Commissioner Brown wondered if telecommunications infrastructure might need to be on residential properties in order to meet the demands of residents.

Mr. Dean Brown reported that it can be on the public right-of-way in residential areas. But, there are certain cases and uses that may be appropriate to locate them on private residential property. He added that there are a lot of sites on multi-level apartment buildings and that roof-located facility on those types of residential uses are allowed.

Mr. Campbell reported that telecom facilities are allowed on multi-family units except when the density is below four.

Mr. Brown noted there are larger single-family homes that may be topographically challenged and there may be opportunities in those areas to install stealth sites.

Mr. O'Boyle stated that in order to cover residents, sites must be among them. He added that the City must specify criteria for different installations rather than "one size fits all." He referenced the ordinance in the City of Costa Mesa that specifies a tiered level of facilities.

Commissioner Myers addressed the progression of equipment, the need for high-speed devices and felt that a prohibition in residential neighborhoods is self-defeating, particularly when topography is challenging. He agreed with Mr. O'Boyle that a predetermined size should be permitted to provide adequate cell coverage.

Commissioner Lawler agreed with Commissioner Myers's comments. He wondered regarding safety concerns in residential areas.

Mr. O'Boyle stated that the Distributed Antenna Systems (DAS) are installed on utility poles or on street lights. He added that the technology fits with sensitive architectural environments (i.e., Notre Dame). They are aesthetically pleasing and are designed to cover specific intersections and address both coverage and capacity.

Ms. Mulvihill noted that what has happened in other cities, when there have been installations of telecommunications facilities in residential areas, there has been public resistance based on belief that the facilities emit microwaves that are harmful. However, the Federal Government has established that the safety or health-risk concerns are not an appropriate consideration for cities; that they believe there are no health risks and that is the standard at this time. She added that it would not be appropriate for the Commission to regulate based on perceived health risk.

Commissioner Lawler felt that if aesthetics and size requirements are met, facilities should be allowed on single-family homes and densities below four.

Mr. Campbell reported that facilities are allowed in residential districts within the public right-of-way. Allowing them in densities below four, would be a new direction for the City and would involve a change in policy. He added that it needs to be done in a way that is sensitive to the community. He felt that creating a standard would be difficult in that there are basically two competing technologies. He cautioned against creating a standard that has a bias for a particular technology.

Vice Chair Tucker suggested reviewing the issue and having staff incorporate a broader allowance in residential districts.

Regarding co-location installations and 1,000 foot separation, Mr. Brown noted that technology is going towards the use of smaller cell sites that cover approximately one-quarter mile and are within 1,000 feet of other sites.

Mr. Campbell stated that the basic standard is in the current ordinance but is a little dated. He agreed that the trend is towards smaller facilities and that co-location may not be the best idea. He reported that it is a difficult thing to administer and that it is more applicable to larger Installations.

Regarding Section 20.49.060, Mr. Brown referenced general development standards and reported challenges with high ground water. He stated that the City's undergrounding requirements of cabinets, especially in the public right-of-way, are a real issue and hoped for flexibility related to that. He addressed the requirement for flush-mounted vents and related losses due to major thunder storms. He hoped that the City could provide flexibility related to such conditions.

Assistant City Attorney Mulvihill explained that there is a separate ordinance related to undergrounding utilities but staff is currently looking at those ordinances since there seems to be a desire to allow for certain above-ground facilities within certain sizes. If that is the case, that acceptance should be carried out in this ordinance as well.

Mr. Campbell noted the requirement for undergrounding allows above-grade vents with a maximum height above grade for vents and he felt that flexibility is provided in the draft the ordinance.

Vice Chair Tucker encouraged staff and industry representatives to work together to address specific issues before returning to the Commission with a final draft.

Mr. O'Boyle commented on 20.49.060 (A) regarding "least intrusive means," noting the importance of clear and specific articulation. He felt that as presented, DAS is called out for special treatment. Regarding (B), Public View Protection, he took issue with the term, "identified" and suggested using the term, "designated."

Vice Chair Tucker noted that it is addressed in the General Plan with a specific policy. He added that while private views are not protected, public views are. He stated that public views are defined specifically, in the General Plan.

Mr. Campbell added that there is a map in the General Plan that identifies public view sites and roads in different areas. He stated that if a public view is identified, it would be added to the General Plan to provide protection.

Vice Chair Tucker indicated the need to not be precluded from adding other sites as they are identified. He would like the ability to add public view sites as applications are processed.

Mr. O'Boyle commented on Paragraph C4, regarding a minimum height of antennas and average service adding that the desire is to provide above-average service.

Vice Chair Tucker agreed that the City wants effective service versus average service.

Mr. O'Boyle noted that maximum height of antennas on utility poles is generally, thirty-five (35) feet. He stated that it precludes specifically-designed cell sites (pole-top mounts). He felt there should be more flexibility to allow for pole-top mounts, as needed. Additionally, there are situations that additional height is needed for safety issues and to meet a minimum of six-foot separations between zones on poles.

Vice Chair Tucker noted the desire to fit within the current infrastructure.

Mr. Rogers commented on problems with the terms, "effective service" and "average service" and resulting restrictions. He felt that the maximum height limits are sufficient.

Vice Chair Tucker understood the goal to be the least visually intrusive. He added that different language should be used relative to the term, "hide."

Mr. O'Boyle addressed Paragraph E, Design Criteria, felt that the term, "surrounding area" is general and suggested replacing it with "adjacent properties." He referenced E, Paragraph 5, relative to the "size as determined by the City" and agreed with the statement as presented as well as the issue of screening. Additionally, he addressed replacement poles and questioned the use of the term, "consistent" and commented on FCC standards for the same.

Jim Mosher commented on comparisons of wireless ordinances from other cities and wished that it had been presented publicly. He stated that staff is recommending changing the five categories to three and agreed with that recommendation. He commented on public view protections and noted that there is minimal consideration in the City of private views and that telecommunication facilities can be installed in a myriad of places with added flexibility. He referenced the purpose of the ordinance as originally stated that he felt gives consideration of private views and the proposed ordinance does not as amended. He commented on the need for the applicant to submit coverage maps and visual simulations and the need to consider views from public areas and private residences. Additionally, he commented on the need to refer applications for special review because of the potential of those applications for greater than usual visual or other impacts on nearby property owners, residences and businesses, and findings required for Council action.

Regarding 20.49.070, Mr. Brown addressed Section G regarding Emergency Communication Review, and stated that it has been determined that wireless infrastructure does not interfere with emergency communications and there is no necessity of going through a pre-application review with the Police and Fire Departments.

Mr. O'Boyle commented on the DAS exemption and referenced Table 4.1, Paragraph B, regarding allowing installation of DAS subject to an issuance of a zoning clearance. He wondered how DAS would be treated in terms of the process.

Mr. Campbell indicated the need to review the issue closely. He reported that the Planning Commission would review Conditional Use Permits while zoning clearance would be reviewed administratively by staff. Minor Use Permits would be considered by the Zoning Administrator, unless appealed. He noted difficulty in understanding the table 4-1 in the current draft and suggested the possibility of the Planning Commission reviewing new free standing structures and that it would simplify the process.

Commissioner Myers referenced a chart that showed where the Planning Commission was involved.

Mr. Campbell reported that the presentation was based on Table 4-1 and felt that it needs to be reviewed and modified. He requested input regarding what the Planning Commission would like or need to review and suggested that it be Class 4 facilities. He added that it can be tailored, depending on the Planning Commission's desire.

Vice Chair Tucker expressed reservation about placing facilities in residential areas while acknowledging the need for coverage.

Mr. Campbell suggested sending all Class 2 facility applications to the Zoning Administrator. He would prefer not having a standard based on visibility of a facility since that is a subjective criterion.

Vice Chair Tucker added that the Zoning Administrator has the option of referring items to the Planning Commission.

Commissioner Brown commented on the pre-application issue and Mr. Brown confirmed it is included in 20.49.070 (G). Mr. Brown added that typically, most jurisdictions required that telecommunications equipment not conflict with emergency communication channels. He stated that the Orange County Fire Authority no longer reviews applications.

Mr. Campbell stated that staff will review the matter and consult with the Police and Fire Departments.

Ms. Mulvihill noted that it is a historical requirement and agreed with the need to review the matter with the Police and Fire Departments to ensure that there are no scenarios where there could be interference.

Regarding 20.49.100, Modifications to Existing Telecommunications, Mr. O'Boyle noted issuance of a zoning clearance up to five (5%) percent of the physical increase of dimensions adding that the provision is not consistent with the FCC, which is ten (10%) percent.

Ms. Mulvihill felt that the FCC has not mandated the matter and that staff will review the issue to ensure consistency with the FCC.

Regarding 20.49.110, Mr. Brown stated working with jurisdictions and wireless providers throughout the State and has never come across a situation where radio frequency emissions exceed Federally-adopted standards. If they do, the FCC could revoke a provider's license and noted that over the last years, emissions have decreased substantially because of network infrastructure expansions. He addressed FCC categorical exempted rulings and felt that the provision should be excluded from the ordinance.

Mr. Campbell indicated that staff will review the issue and that it is not the intent to regulate emissions but is simply asking that applicants demonstrate compliance with FCC requirements.

Commissioner Brown offered that it may just be a language issue.

Mr. O'Boyle added that DAS facilities emit less than one-half of one percent of the allowable FCC regulations.

Regarding 20.49.060, Mr. Rogers referenced a prohibition against false rocks unless there are other rock outcroppings and compared it to mono-poles and faux trees, adding that the prohibition makes little sense.

Vice Chair Tucker directed staff to review the matter.

Mr. Campbell reported that the intent is not to create a natural feature that is out of place.

In response to an inquiry from Commissioner Ameri, Mr. Brown reported that his organization covers many jurisdictions, addressed moratoriums in place and others going through updates because of the new Federal Law requirements.

Mr. Brown reiterated concerns about providing coverage in lower-density residential zones and provided information regarding how the issue is addressed in other jurisdictions.

Mr. O'Boyle added that one size does not fit all and felt that a tiered system, based upon size, would be helpful.

Mr. Brown noted that the industry is trending towards smaller facilities.



In response to Commissioner Ameri's inquiry regarding practices by other cities, Ms. Mulvihill reported that it is staff's practice to survey other cities and their practices and commented on the City of Huntington Beach noting that she drafted their ordinance, which was challenged by some of the carriers. While she understands the concerns of the carriers, she stated that the City wants to provide coverage, that there are distinctions regarding rights to be in the right-of-way and court decisions. The ordinance is drafted with respect to local zoning while acknowledging the possibility of litigation.

Jim Mosher addressed the permit review procedure and exemptions regarding submitting DAS to the Zoning Administrator. He stated that the public has a fundamental right to know what the government is doing and felt that the issue is unfair to the public. He noted that the public has the right to appeal the decision of the Planning Division if they do not agree with it but the right is useless if they are unaware that a decision has been made. He hoped that the Planning Commission would pay attention to the findings it must make when an application goes before it. He felt that the first two findings are redundant. He addressed visual compatibility, avoiding placing facilities on public facilities, the five (5%) percent rule and avoiding placing them on traffic standards. Regarding the latter, he felt that facilities would be less obtrusive by placing them on poles found in intersections.

Mr. Campbell addressed co-location and explained the need to avoid an issue where telecom facility maintenance might impact traffic signal operation. He added that the Public Works Department is adamant about not having facilities installed on traffic control standards.

Vice Chair Tucker closed public comments for this item. He added that the matter will be continued to the Planning Commission meeting of October 17, 2013, and wondered if the Commission should have input from others that understand the technicalities better.

Assistant City Attorney Mulvihill reported that the decision to revisit the ordinance came from the Media and Telecommunications Committee and was based on public comments received in early 2010. At that time, it was not addressed as a zoning matter but was through a telecommunications permit process through Council. She added that ultimately, the issues raised by industry representatives are policy decisions to be made by the Planning Commission.

Vice Chair Tucker felt that the ordinance can be set up but stated that he would be more comfortable if the matter were reviewed by someone that understands the technicalities.

Ms. Mulvihill reported that the City retained telecommunications experts and that from staff's perspective; staff feels comfortable with the matter.

Secretary Kramer felt that the residential issue was not resolved.

Vice Chair Tucker commented on wanting staff to review the issue, offer appropriate language and define the specific issues. He felt that the revised draft should address most of the issues of concern.

Commissioner Brown agreed and felt that staff is very close to providing an acceptable final draft.

Commissioner Ameri noted that the Commission should not be involved in the technicalities but review the item based on land-use issues and those that affect the community. He felt there is a danger of the Commission being overwhelmed with technical issues.

Members of the Commission agreed to continue this matter to the Planning Commission meeting of October 17, 2013.

**IX. OTHER BUSINESS****ITEM NO. 4 LAND USE ELEMENT AMENDMENT (PA2013-098)****Site Location:** City-wide

Deputy Community Development Director Brenda Wisneski provided a PowerPoint presentation highlighting the proposed changes reviewed by the Committee, to date, as well as next steps. She addressed the objective of the Land Use Element Amendment Advisory Committee, the consideration by the Committee of policies, study areas and categories. She addressed specific properties reviewed and determinations regarding development capacities. She reported that the Committee will be reviewing policies which will drive revitalization of the various areas. She addressed requests from the airport area, including an increase in residential developments in the area. Additionally, she reported that the Committee will consider whether additional trips should be generated to facilitate new project as well as looking at the area more comprehensively. She addressed unresolved issues related to Lower Castaways and The Irvine Company properties and detailed next steps.

Vice Chair Tucker commented on the last meeting of the Committee where projects in the airport area were considered. He provided a summary including the Lyon property, the Saunders property, the Hangers and a request by Fletcher Jones.

In response to an inquiry from Commissioner Kramer regarding Fletcher Jones's interest in the land, Vice Chair Tucker reported that the development was done on a footprint-lot basis noting that the footprint of each building is parcel and that all the common areas are a separate parcel. He reported that land-use changes for 40,000 square feet or more must be put to a vote. He referenced an Environmental Impact Report (EIR) that supports the General Plan update. He commented on the Saunders project and avoiding restrictions regarding development and noted that the airport area proposals are works in progress.

Commissioner Myers departed the Chambers at this juncture (9:16 p.m.).

Discussion followed regarding studying the airport area separately and the need for Council to review the matter because of added trips. It was suggested that the Commission recommend to Council having this particular part of the matter as its own study.

Vice Chair Tucker noted that it is Council's decision, that the goal was trip neutrality and that Council needs to decide if there are any circumstances in which trip neutrality would not be a goal. He felt that it should be studied, for CEQA purposes, as not neutral.

Vice Chair Tucker addressed the issue of traffic neutrality and noted that each intersection will have to be included in the traffic study.

Commissioner Ameri commented on traffic neutrality City-wide, extra capacity and developing a reasonable distribution by relieving traffic.

Vice Chair Tucker suggested studying as broadly as possible while still meeting the time horizon to place the matter on the ballot in 2014.

Commissioner Ameri added allowing the consultant to study the City's overall traffic but also traffic generated or anticipated by adjacent cities. He felt there needs to be an emphasis on the matter and needs to be considered carefully.

Vice Chair Tucker reviewed specific projects and properties, items considered by the Committee, related recommendations and specific issues needing additional study. He added that policy revisions will occur within the next several months. He reported endorsing what the Committee has decided to this point with no opinion on the airport area at this time.

Ms. Wisneski reported that no formal action is needed.

Interested parties were invited to address the Commission on this matter. There was no response and Vice Chair Tucker closed public comments.

**X. STAFF AND COMMISSIONER ITEMS****ITEM NO. 5      MOTION FOR RECONSIDERATION - None****ITEM NO. 6      COMMUNITY DEVELOPMENT DIRECTOR'S REPORT****Committee Updates:**

1.      Land Use Element Amendment Advisory Committee
2.      General Plan/Local Coastal Program Implementation Committee

Ms. Wisneski reported that the General Plan/Local Coastal Program Implementation Committee meets next Wednesday, September 25, 2013. Additionally she reported that the Planning Commission's decision regarding Woody's Wharf was called up for City Council review and is scheduled for October 8, 2013. In addition, Council introduced the ordinance to modify the findings for lot mergers, as the Planning Commission recommended.

**ITEM NO. 7      ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT - None****ITEM NO. 8      REQUESTS FOR EXCUSED ABSENCES**

Vice Chair Tucker reported that he will be absent for the next meeting of the Planning Commission.

**XI. ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:31 p.m.

The agenda for the Regular Meeting was posted on September 13, 2013, at 4:00 p.m., in the binder and on the City Hall Electronic Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive.

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Bradley Hillgren, Chair

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Kory Kramer, Secretary